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ROUTING AND RECORD SHEET

SUBJECT: (Optional)

Draft Letter to SSCI on Classification of Agency Records Control Schedules

FROM:	EXTENSION	NO.
Chief, Records Systems Branch, OIS/RMD 1236 Ames		STAT
		DATE 26 August 1983 STAT

TO: (Officer designation, room number, and building)	DATE RECEIVED	DATE FORWARDED	OFFICER'S INITIALS	COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)
1. OLL/Liaison 7B24 Hqs				STAT
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				
13.				

Attached is a draft letter to the SSCI asking that the Agency records control schedules held by the Committee be returned to us for classification marking. We would appreciate your advice as to whether the format and content of the draft are appropriate.

Also attached is a copy of an SSCI letter answering a similar request from NARS, as well as a paper we recently provided to OLL STAT in response to a question from the SSCI Minority Counsel re Agency compliance with records management legislation.

In the second paragraph of its letter to NARS, the SSCI stated it had no further need for the copy of our schedules provided to the Committee by NARS. We would like to receive a similar response regarding the copy provided by the Agency, and as indicated in paragraph 5 of our attached paper, we would like to discontinue the practice of providing this copy to the Committee (we are planning to submit more than 20 updated schedules to NARS in about a month). Do you think this should be suggested in our letter to SSCI, or would it be better to handle it in some other way? STAT

DDA/OIS/RMD/RSB /msc (26 August 1983) STAT

Distribution (Form 610):
Original - Addressee w/atts
✓1 - RSB Subject: RCS Classification w/atts
1 - RSB Subject: Liaison w/SSCI w/atts
1 - RSB Chrono wo/atts

FORM 1-79 **610** USE PREVIOUS EDITIONS

rsbgen 79 draft
222 final

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Robert R. Simmons, Staff Director
Select Committee on Intelligence
United States Senate
Washington, D.C. 20510

Dear Mr. Simmons:

In 1976 we began submitting to the Select Committee on Intelligence copies of both the classified (Form 139) and unclassified (SF 115) versions of the Agency's records control schedules approved by the National Archives and Records Service (NARS). The CIA Records Management Officer subsequently has reviewed these schedules for national security classification and has made the following classification determinations.

The SF 115 records control schedules are classified Confidential in the aggregate even though individual portions are Unclassified/For Official Use Only. In their totality, the records series titles and related information in the schedules reveal the scope of Agency records systems and, by analysis, reveal information concerning the organization, functions, and intelligence methods of the Agency. The unauthorized disclosure of this information reasonably could be expected to cause damage to the national security and would conflict with the responsibilities of the Director of Central Intelligence under section 102(d)(3) of the National Security Act of 1947 and section 6 of the Central Intelligence Agency Act of 1949.

The Form 139 records control schedules are classified Secret in the aggregate. In their totality, the records series descriptions and related information in the schedules reveal detailed information concerning the organization, functions, and intelligence methods of the Agency. The unauthorized disclosure of this information reasonably could be expected to cause serious damage to the national security and would conflict with the responsibilities of the Director of Central Intelligence cited above.

We request that the Committee return to the Agency all copies of both versions of the records control schedules so that the schedules can be marked with the appropriate classification markings. We will return the schedules to you as soon as the marking is completed.

I appreciate your cooperation in this matter. For your information, we are currently in the process of updating the Agency's records control schedules. The updated schedules will be submitted to NARS for approval and to your Committee for review.

Clair E. George
Director of Legislative Liaison

DRAFT

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Services and
Administration Records Service Washington, DC 20408

July 6, 1982

[redacted] STAT

Agency Records Management Officer
Central Intelligence Agency
Washington, DC 20505

Dear [redacted] STAT

Listed below are actions completed by the National Archives and Records Service (NARS) in response to your December 14, 1981, letter concerning the "Confidential" classification determination by the Central Intelligence Agency (CIA) relating to agency Standard Form 115s, Request for Records Disposition Authority.

1. Documents associated with each classified SF-115 have been derivatively classified "Confidential".

2. One reference copy of each completed classified SF-115 was reproduced. These are being retained by our Records Disposition Division in an approved storage container.

3. The official record copy of classified SF-115's was forwarded to Director, Civil Archives Division, the unit within NARS having primary responsibility for physical and archival controls of all SF-115 case files.

4. Extra paper copies of CIA unclassified SF-115's and microfiche copies corresponding to those you classified were recalled from NARS units and Federal records centers and forwarded to NARS Security Officer for destruction.

5. The Chairman, Senate Select Committee on Intelligence (SSCI), was informed of CIA's SF-115 classification determination and requested to safeguard or return unclassified CIA records schedules previously forwarded by NARS. The Chairman advised the Archivist of the United States the schedules would be destroyed in-house (see enclosed copy of SSCI letter dated May 17, 1982).

We believe the foregoing actions fully satisfy all of the requests made in your letter of December 14, 1981. Classified CIA SF-115's received in the future will be handled in accordance with applicable national security regulations.

Please call me or Ray Mosley on 724-1614 if you have any questions.

Sincerely,

G. N. SCABOO
Acting Assistant Archivist
for Federal Records Centers

Enclosure

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STAT

BARRY GOLDWATER, ARIZ., CHAIRMAN
DANIEL PATRICK MOYNIHAN, N.Y., VICE CHAIRMAN
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MALCOLM WALLOP, WYO.
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ABRAM N. SHULSKY, MINORITY STAFF DIRECTOR

United States Senate

SELECT COMMITTEE ON INTELLIGENCE
(PURSUANT TO S. RES. 400, 94TH CONGRESS)
WASHINGTON, D.C. 20510

#82-883

NCD 5/24/82
Please
Probably should get a copy to the CIA.
5/24/82

May 17, 1982

RECEIVED
MAY 21 1982

Mr. Robert M. Warner
Archivist of the United States
National Archives and Records Service
General Services Administration
Washington, D.C. 20408

Dear Mr. Warner:

Thank you for your letter of March 9, 1982, concerning unclassified copies of approved Central Intelligence Agency records disposition schedules which the National Archives and Records Service provided the Senate Select Committee on Intelligence during the period from January 1978 through December 1980.

It is noted that these records disposition schedules have been reclassified from unclassified to CONFIDENTIAL. On the enclosed page(s) there is listed the approved CIA records disposition schedules received by this Committee from NARS. The Committee has no further need for the schedules.

This is to certify that the documents listed are being destroyed in accordance with Committee security procedures under the supervision of the Security Director.

11 Jun.

Sincerely,

Barry Goldwater

Barry Goldwater
Chairman

Enclosure

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APPROVED CENTERAL INTELLIGENCE AGENCY RECORDS DISPOSITION REQUESTS REEIVED FROM NATIONAL ARCHIVES AND RECORDS SERVICE

Transmittal Date	Office or Service		Job No.
3-01-78	Office of Communications	33-77	NC1-263-78-2 (amendment to NC1-263-77-15)
3-13-78	Office of Data Processing	63-76	NC1-263-76-10
3-21-78	Operations Directorate		NC1-263-77-18 NC1-263-77-19 NC1-263-78-1
2-07-79			NC1-263-79-2
5-21-79	Office of Security	31-76	NC1-263-79-1 (amendment to NC1-263-77-9
9-19-79	Office of the DCI	10-76	NC1-263-79-4
6-17-80	Office of Central Reference	12-76	NC1-263-80-2
7- 2-80	Office of Legislative Counsel	8-76	NC1-263-80-1
7-24-80	National Foreign Assessment Center	29-76	NC1-263-80-3
8-08-80	Audit Staff	37-76	MC1-263-80-5
10-06-80	Office of Security	31-76	NC1-263-80-4

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August 1985

AGENCY COMPLIANCE
WITH
RECORDS MANAGEMENT LEGISLATION

1. Authorization for the disposal of Federal Records is governed by Section 101-11.406, Title 41, Code of Federal Regulations, issued by the Administrator of General Services pursuant to Sections 3302, 3303, and 3314, Title 44, United States Code, which are codified provisions of the Records Disposal Act of 1943. Section 101-11.406 establishes procedures for submitting lists and schedules of records proposed for disposal to the Archivist of the United States for approval. No Federal records may be destroyed unless they are covered by an approved list or schedule.

2. The Agency complies with these requirements by preparing component and directorate records control schedules covering all Agency records. These schedules list records by series (i.e., groups of related records), provide the series titles and a description of the records included in each series, and indicate whether the records are temporary or permanent. If the records are designated as temporary, the retention period and time for disposal is specified. If the records are designated as permanent, the conditions under which they will be transferred to the National Archives are specified.

3. Once the records control schedules are drafted, they are approved by the appropriate component or directorate head and by the Agency Records Management Officer. They then are submitted to the National Archives and Records Service (NARS) for approval by the Archivist of the United States. During the process of Agency preparation and NARS approval of the schedules, NARS archivists are given access to records throughout the Agency to the extent they deem necessary for proper appraisal of the administrative and historical value of the records.

4. There are two aspects of the appraisal and approval process for Agency records control schedules that differ from those for most agencies. First, the NARS appraisers must hold appropriate national security clearances, special access program clearances, and Agency liaison clearances before being granted access to Agency records. Second, the approved records control schedules, which are classified Secret, are maintained on Agency premises rather than in the custody of NARS. However, to enable NARS to maintain a complete case file, an abbreviated version of each schedule, classified Confidential, is provided to NARS. The abbreviated version, which excludes only the record series descriptions, is the document actually signed by the Archivist based on NARS review of the full-text schedule.

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5. A copy of both versions of the schedules also is provided to the Senate Select Committee on Intelligence (SSCI), and the schedules are not implemented until a 60-day period for SSCI review has expired. This procedure was established in 1976 during the "moratorium" on destruction of records that was instituted in 1975 pursuant to Senate Resolution 21. The Agency offered to follow a similar procedure with the House Permanent Select Committee on Intelligence (HPSCI), but HPSCI declined. The Agency currently plans to ask the SSCI to discontinue this procedure, in view of the fact that the normal NARS appraisal and approval process provides adequate safeguards.

6. To ensure compliance with legal requirements, Agency employees, before destroying any records, are required to consult the component Records Management Officer and the custodian of the records to ensure that the records are scheduled for immediate destruction on an approved records control schedule. In addition, any records subject to pending Freedom of Information Act or Privacy Act requests must be segregated from the records being destroyed. Moreover, the records must be checked against the "Office of General Counsel/Office of Legislative Liaison Records Retention Requirements List" to determine whether they are related to actual or impending litigation or to matters under investigation by the Department of Justice or Congress. If this review raises any question as to whether destruction is appropriate, a "Request for Authorization to Retain or Destroy Questionable Records" must be submitted for concurrence by the Office of General Counsel and approval by the Agency Records Management Officer.

7. The above procedures are included in Agency regulatory issuances applicable to all employees. In addition, although not required to do so, the Agency published its records destruction policy and procedures in the form of a Notice in the Federal Register on 22 November 1976.

8. Records designated as permanent by the Archivist may not become available to historical researchers for many years. The instructions in the Agency's records control schedules specify that permanent records are to be transferred to NARS when national security considerations permit. The only significant collections of records that the Agency has transferred to the National Archives are unclassified Foreign Broadcast Information Service Reports and declassified Office of Strategic Services (OSS) records. The OSS collection, however, currently is being maintained under access restrictions based on criteria other than national security classification.

9. Pending declassification and transfer to NARS, permanent records are maintained, under appropriate environmental conditions and security safeguards, in the Agency Archives and Records Center. This facility has been inspected by NARS and approved as a Federal agency records center.

10. The Agency processes requests from historical researchers for access to its records under the Freedom of Information Act and the mandatory declassification review provisions of Executive Order 12356. The mandatory review requests generally are received by referral from the Presidential Libraries managed by NARS.

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